

PTO/SB/61 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional)
First Named Inventor: Takaya Sato	Art Unit: 3725	
Application Number: 10/088,642	Examiner: Jimmy T Nguyen	
Filed: 03/20/2002		
Title: ROLLER FOR ROLLING ELECTRODE STRUCTURE AND ELECTRODE STRUCTURE		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9382.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.		
NOTE: A grantable petition requires the following items:		
(1) Petition fee. (2) Reply and/or Issue fee. (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee		
<input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.		
<input checked="" type="checkbox"/> Other than small entity - fee \$ <u>110.00</u> (37 CFR 1.17(l)).		
2. Reply and/or fee		
A. The reply and/or fee to the above-noted Office action in the form of <u>RCE Filing</u> (Identify the type of reply):		
<input type="checkbox"/> has been filed previously on _____. <input checked="" type="checkbox"/> Is enclosed herewith.		
B. The issue fee of \$ _____		
<input type="checkbox"/> has been filed previously on _____. <input type="checkbox"/> Is enclosed herewith.		

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
 If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

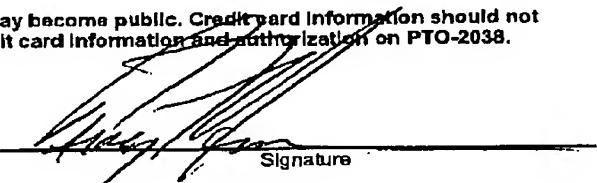
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

February 10, 2004

Date


Signature

206-664-0314

Telephone Number

Tracy M Heims

Typed or printed name

53,010

Registration Number, if applicable

13194 Edgewater Lane Northeast

Address

Seattle, Washington 98125

Address

Enclosure Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unavoidable delay

RCE Documents

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

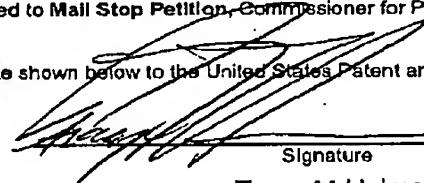
I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

February 10, 2004

Date


Signature

Tracy M Heims

Typed or printed name of person signing certificate

[Page 2 of 3]

PTO/SB/61 (11-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

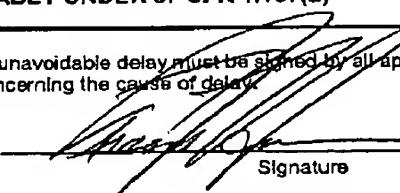
NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

February 10, 2004

Date

53,010

Registration Number, if applicable



Signature

Tracy M Heims

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

There are several reasons Applicant believes that the Application should be revived as unavoidably abandoned. First, and most importantly, Applicant has not received timely notice from the USPTO due to a change of Attorney in this case. In February, 2003 Applicant substituted Apex Juris, pllc, Customer Number 35,870, for previous counsel, Liniak, Berenato & White. Applicant received notice from the USPTO that the revocation of previous power of attorney and appointment of new power of attorney for the case had been transferred to Apex Juris, pllc. In response to the first Office Action Applicant noted on all USPTO forms that the attorney docket number had changed and further requested by letter that all further correspondence be submitted to Apex Juris, pllc. In response to the second and final office action Applicant noted and again specifically requested that the attorney docket number be changed and that all further correspondence be directed and sent to Apex Juris, pllc. Applicant further specifically requested that the application be associated with Apex Juris customer number, 35,870.

At all times after the initial transfer, and throughout prosecution, all notices and office actions from the USPTO were delivered to Liniak, Berenato & White. Liniak, Berenato & White were kind enough to forward all notices received from the USPTO to the client in Japan who then in turn had to forward the notices to Apex Juris, pllc, in Seattle, Washington. Obviously these notices were not always timely received and due to the time delay there was miscommunication regarding the due dates for the notice of appeal and continuation examination.

Applicant has timely submitted all correspondence to the USPTO and if not timely then Applicant has paid the appropriate extension fees to the USPTO. Furthermore, Applicant has made a good faith effort to advance the application through prosecution to issuance. Due to miscommunication the application has now gone abandoned and Applicant respectfully requests that the Commissioner find that this application has been unavoidably abandoned and further requests revival of this application.

(Please attach additional sheets if additional space is needed.)

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PTO/SB/64 (11-03)

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) 001-03-013
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First named inventor: **Takaya Sato**Application No.: **10/088,642**Art Unit: **3725**Filed: **03/20/2002**Examiner: **Jimmy T Nguyen**Title: **ROLLER FOR ROLLING ELECTRODE STRUCTURE AND ELECTRODE STRUCTURE**

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee –required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1,330 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of RCE Filing and submission (identify type of reply):

has been filed previously on _____.

is enclosed herewith.

B. The issue fee of \$ _____.

has been paid previously on _____.

is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/84 (11-03)

Approved for use 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

February 10, 2004

Date

Telephone Number: 206-664-0314

Signature

Tracy M Heims

Typed or printed name

13194 Edgewater Lane Northeast

Address

Seattle, Washington 98125

Address

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

February 10, 2004

Date

Signature

Tracy M Heims

Type or printed name of person signing certificate

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(b)

Detailed Reasons for the delay in filing a proper reply.

There are several reasons Applicant believes that the Application should be revived as unintentionally abandoned. First, and most importantly, Applicant has not received timely notice from the USPTO due to a change of Attorney in this case. In February, 2003 Applicant substituted Apex Juris, pllc, Customer Number 35,870, for previous counsel, Liniak, Berenato & White. Applicant received notice from the USPTO that the revocation of previous power of attorney and appointment of new power of attorney for the case had been transferred to Apex Juris, pllc. In response to the first Office Action Applicant noted on all USPTO forms that the attorney docket number had changed and further requested by letter that all further correspondence be submitted to Apex Juris, pllc. In response to the second and final office action Applicant noted and again specifically requested that the attorney docket number be changed and that all further correspondence be directed and sent to Apex Juris, pllc. Applicant further specifically requested that the application be associated with Apex Juris customer number, 35,870.

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Applicant has timely submitted all previous correspondence to the USPTO and if not timely then Applicant has paid the appropriate extension fees to the USPTO. Furthermore, Applicant has made a good faith effort to advance the application through prosecution to issuance. Due to miscommunication and delayed communication the application has now gone abandoned. Applicant respectfully requests that the Commissioner find that this application has been unintentionally abandoned and further requests revival of this application.